

**U.S. District Court
Eastern District of New York (Brooklyn)
CRIMINAL DOCKET FOR CASE #: 1:22-mj-01224-RLM-1**

Case title: USA v. Migliore

Date Filed: 11/15/2022

Date Terminated: 11/18/2022

Assigned to: Magistrate Judge
Roanne L. Mann

Defendant (1)

Brian Patrick Migliore
TERMINATED: 11/18/2022

represented by **Michelle A. Gelernt**
Federal Defenders of New York
One Pierrepont Plaza, 16th Floor
Brooklyn, NY 11201
718-330-1204
Fax: 718-855-0760
Email: michelle_gelernt@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Public Defender or Community
Defender Appointment

Pending Counts

None

Disposition**Highest Offense Level (Opening)**

None

Terminated Counts

None

Disposition**Highest Offense Level**
(Terminated)

None

Complaints

21:846=ND.F

Disposition**Plaintiff**

USA

represented by **Nina C. Gupta**
DOJ–USAO
Criminal Division
271–A Cadman Plaza East
Brooklyn, NY 11217
718–254–6257
Email: nina.gupta@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Government Attorney

Date Filed	#	Select all / clear	Docket Text
11/15/2022	<u>1</u>	RULE 40 AFFIDAVIT by USA as to Brian Patrick Migliore by Affiant Samad Shahrani (MS) (Entered: 11/16/2022)	
11/15/2022		Arrest (Rule 40) of Brian Patrick Migliore (MS) (Entered: 11/16/2022)	
11/15/2022		Minute Entry for proceedings held before Magistrate Judge Roanne L. Mann: For a Removal to the District of Columbia Arraignment as to Brian Patrick Migliore (1) Count Complaint held on 11/15/2022, Attorney Appointment Hearing as to Brian Patrick Migliore held on 11/15/2022, Initial Appearance in Rule 5(c)(3) Proceedings as to Brian Patrick Migliore held on 11/15/2022. AUSA N. Gupta; Federal Defender Michelle Gelernt. Rule 5f Brady Act ordered on the record. NO bail package was presented at this time. A temporary order of detention entered by the Court. Waiver of Rule 5 will be addressed on Friday at the bail hearing which will be held at 11am in Courtroom 2A. (FTR Log #3:49–3:56.) (MS) (Entered: 11/16/2022)	
11/15/2022	<u>2</u>	ORDER: This order is entered pursuant to Federal Rule of Criminal Procedure 5(f) to confirm the prosecution's disclosure obligations under Brady v. Maryland, 373 U.S. 83 (1963), and its progeny, and to summarize the possible consequences of violating those obligations. as to Brian Patrick Migliore. Ordered by Magistrate Judge Roanne L. Mann on 11/15/2022. (MS) (Entered: 11/16/2022)	
11/15/2022	<u>3</u>	CJA 23 Financial Affidavit by Brian Patrick Migliore (MS) (Entered: 11/17/2022)	
11/15/2022	<u>4</u>	TEMPORARY COMMITMENT Issued as to Brian Patrick Migliore. Detention hearing set for 11–18–22 @ 11am before the Duty Magistrate Judge in courtroom 2A (MS) (Entered: 11/17/2022)	
11/18/2022		Minute Entry for proceedings held before Magistrate Judge Marcia M. Henry: Detention Hearing as to Brian Patrick Migliore held on 11/18/2022. (FTR Log #111;28–12:02 pm crtrm 2A.) AUSA Nina Gupta present. Defendant present w/ counsel Michelle Gelernt. Defense counsel presented a bail package. Gov't opposed. Court denied bail for reasons stated on the record. Commitment order to Dist. of Columbia entered. Defendant waived identity hearing. (SY) (Entered: 11/18/2022)	
11/18/2022	<u>5</u>	COMMITMENT TO ANOTHER DISTRICT as to Brian Patrick Migliore. Defendant committed to District of Columbia.. Ordered by	

		Magistrate Judge Marcia M. Henry on 11/18/2022. (SY) (Entered: 11/18/2022)
11/18/2022	<u>6</u>	WAIVER of Rule 5(c)(3) Hearing by Brian Patrick Migliore (SY) (Entered: 11/18/2022)

AB:NCG

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
-----X

UNITED STATES OF AMERICA

- against -

BRIAN PATRICK MIGLIORE,

Defendant.

REMOVAL TO THE
DISTRICT OF COLUMBIA

(Fed. R. Crim. P. 5)

Case No. 22-MJ-1224

-----X

EASTERN DISTRICT OF NEW YORK, SS:

SAMAD SHAHRANI, being duly sworn, deposes and states that he is a Special Agent with the Federal Bureau of Investigation, duly appointed according to law and acting as such.

On or about November 10, 2022, the United States District Court for the District of Columbia issued an arrest warrant commanding the arrest of the defendant BRIAN PATRICK MIGLIORE, for violations of Title 21, United States Code, Section 846 (conspiracy to distribute and possess with intent to distribute 5 grams or more of a mixture and substance containing a detectable amount of methamphetamine, oxycodone, and morphine).

The source of your deponent's information and the grounds for his belief are as follows:¹

1. On or about November 10, 2022, the United States District Court for the District of Columbia issued an arrest warrant commanding the arrest of the defendant BRIAN

¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

PATRICK MIGLIORE, for violations of Title 21, United States Code, Section 846 (conspiracy to distribute and possess with intent to distribute 5 grams or more of a mixture and substance containing a detectable amount of methamphetamine, oxycodone, and morphine). A true and correct copy of the arrest warrant (the “Arrest Warrant”) is attached hereto as Exhibit A. A true and correct copy of the indictment (the “Indictment”) is attached hereto as Exhibit B.

2. On November 14, 2022, at approximately 8:58 p.m., the defendant BRIAN PATRICK MIGLIORE was arrested at John F. Kennedy International (“JFK”) Airport pursuant to the Arrest Warrant. MIGLIORE was checked in for a flight departing to Rio de Janeiro, Brazil on the night of November 14, 2022.

3. Upon MIGLIORE’S arrest at JFK Airport, law enforcement agents asked him to provide his name and date of birth. The defendant identified himself as BRIAN MIGLIORE. Additionally, the date of birth that the defendant provided to law enforcement is consistent with the date of birth of the BRIAN PATRICK MIGLIORE wanted in the District of Columbia.

4. At the time of his arrival, the defendant had a New York state driver’s license and passport with him. The New York state driver’s license and passport are in the name of BRIAN MIGLIORE. The date of birth listed on the New York state driver’s license and passport are also consistent with the date of birth of the BRIAN PATRICK MIGLIORE wanted in the District of Columbia.

5. Following the arrest of MIGLIORE, MIGLIORE waived his Miranda rights orally and in writing and agreed to speak with law enforcement agents. During the interview, he identified himself as BRIAN MIGLIORE.

6. I reviewed photographs of the BRIAN PATRICK MIGLIORE wanted in the District of Columbia on his social media accounts and in his New York state driver's license. The defendant's appearance is consistent with those photographs and of the photograph in the passport he had in his possession.

7. Based on the foregoing, I submit there is probable cause to believe that the defendant is the BRIAN PATRICK MIGLIORE wanted in the District of Columbia.

WHEREFORE, your deponent respectfully requests that the defendant BRIAN PATRICK MIGLIORE be dealt with according to law.

S/ Samad Shahrani

SAMAD SHAHRANI
Special Agent, Federal Bureau of Investigation

Sworn to before me this
15 day of November, 2022

S/ Roanne L. mann

THE HONORABLE ROANNE L. MANN
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK

EXHIBIT A

UNITED STATES DISTRICT COURT

for the
District of Columbia

United States of America
v.
BRIAN PATRICK MIGLIORE

) Case: 1:22-cr-00365
) Assigned To : Nichols, Carl J.
) Assign. Date : 11/10/2022
) Description: Indictment (B)
) Related Case: 22-cr-257 (CJN)

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) BRIAN PATRICK MIGLIORE,
who is accused of an offense or violation based on the following document filed with the court:

☒ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☐ Complaint
☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:

21 U.S.C. § 846 - CONSPIRACY TO DISTRIBUTE AND POSSESS WITH INTENT TO DISTRIBUTE 5 GRAMS OR MORE OF A MIXTURE AND SUBSTANCE CONTAINING A DETECTABLE AMOUNT OF METHAMPHETAMINE, OXYCODONE, AND MORPHINE;
FORFEITURE: 21 U.S.C. § 853(a), (p)

Date: 11/10/2022

 **G. Michael Harvey**
2022.11.10
15:20:58 -05'00'

Issuing officer's signature

City and state: WASHINGTON, D.C.

G. MICHAEL HARVEY, U.S. MAGISTRATE JUDGE

Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____.

Date: _____

Arresting officer's signature

Printed name and title

This second page contains personal identifiers provided for law-enforcement use only and therefore should not be filed in court with the executed warrant unless under seal.

(Not for Public Disclosure)

Name of defendant/offender: BRIAN PATRICK MIGLIORE
Known aliases: SKITSNYGG; SELFSABOTAGE; SICKTOOTHPICK
Last known residence: UNKNOWN
Prior addresses to which defendant/offender may still have ties: UNKNOWN

Last known employment: UNKNOWN
Last known telephone numbers: UNKNOWN
Place of birth: UNKNOWN
Date of birth: 11/23/1988
Social Security number: 054-76-0039
Height: 5'11 Weight: UNKNOWN
Sex: MALE Race: WHITE
Hair: BROWN Eyes: GREEN
Scars, tattoos, other distinguishing marks: MULTIPLE TATOOS ON RIGHT ARM, RIGHT LEG, AND LEFT ARM

History of violence, weapons, drug use: N/A

Known family, friends, and other associates (name, relation, address, phone number): N/A

FBI number: N/A

Complete description of auto: N/A

Investigative agency and address: SPECIAL AGENT SAMAD D. SHAHRANI (718) 644-5343
FEDERAL BUREAU OF INVESTIGATION

Name and telephone numbers (office and cell) of pretrial services or probation officer (if applicable): N/A

Date of last contact with pretrial services or probation officer (if applicable): N/A

EXHIBIT B

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Holding a Criminal Term

Grand Jury Sworn in on May 18, 2022

UNITED STATES OF AMERICA	:	CRIMINAL NO.
	:	
v.	:	GRAND JURY ORIGINAL
	:	
BRIAN PATRICK MIGLIORE,	:	VIOLATIONS:
	:	21 U.S.C. § 846
Defendant.	:	(Conspiracy to Distribute and Possess
	:	With Intent to Distribute 5 Grams or
	:	More of a Mixture and Substance
	:	Containing a Detectable Amount of
	:	Methamphetamine, Oxycodone,
	:	and Morphine)
	:	
	:	FORFEITURE:
	:	21 U.S.C. § 853(a), (p)

INDICTMENT

The Grand Jury charges that:

COUNT ONE

Case: 1:22-cr-00365
Assigned To : Nichols, Carl J.
Assign. Date : 11/10/2022
Description: Indictment (B)
Related Case: 22-cr-257 (CJN)

From on or about March 2021 until the present, within the District of Columbia and elsewhere, **BRIAN PATRICK MIGLIORE**, did knowingly and willfully combine, conspire, confederate and agree together and with other persons both known and unknown to the Grand Jury, to unlawfully, knowingly and intentionally distribute and possess with intent to distribute a mixture and substance containing a detectable amount of methamphetamine, a mixture and substance containing a detectable amount of oxycodone, and a detectable amount of morphine, all of which are Schedule II narcotic drug controlled substances, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B)(viii), and 841(b)(1)(C).

Quantity of Methamphetamine Involved in the Conspiracy:

With respect to defendant **BRIAN PATRICK MIGLIORE** his conduct as a member of the narcotics conspiracy charged in Count One, which includes the reasonably foreseeable conduct

of other members of the narcotics conspiracy charged in Count One, involved 5 grams or more of methamphetamine, a Schedule II controlled substance, in violation of Title 21 United States Code, Sections 841(a)(1) and 841(b)(1)(B)(viii).

(Conspiracy to Distribute and Possess With Intent to Distribute 5 Grams or More of a Mixture and Substance Containing a Detectable Amount of Methamphetamine, Oxycodone, and Morphine, in violation of Title 21, United States Code, Section 846)

FORFEITURE ALLEGATION

1. Upon conviction of the offense alleged in Counts One of this Indictment, the defendant shall forfeit to the United States pursuant to 21 U.S.C. § 853, any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of the said violations and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the said violations.

2. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

the defendant shall forfeit to the United States any other property of the defendant, up to the value of the property described above, pursuant to 21 U.S.C. § 853(p).

(Criminal Forfeiture, pursuant to Title 21, United States Code, Sections 853(a), (p))

A TRUE BILL:

Matthew M. Graves/CCW

Attorney of the United States in
and for the District of Columbia.

FOREPERSON.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

_Brian Patrick Migliore

Defendant(s).

22-MJ-1224

ORDER

___Roanne L. Mann ___, United States Magistrate Judge:

This Order is entered, pursuant to **Federal Rule of Criminal Procedure 5(f)** and the Due Process Protections Act, Pub. L. No 116–182, **134 Stat. 894** (Oct. 21, 2020), to confirm the Government’s disclosure obligations under *Brady v. Maryland*, **373 U.S. 83** (1963), and its progeny, and to summarize the possible consequences of violating those obligations.

The Government must disclose to the defense all information “favorable to an accused” that is “material either to guilt or to punishment” and that is known to the Government. *Id.* at 87. This obligation applies regardless of whether the defendant requests this information or whether the information would itself constitute admissible evidence. The Government shall disclose such information to the defense promptly after its existence becomes known to the Government so that the defense may make effective use of the information in the preparation of its case.

As part of these obligations, the Government must disclose any information that can be used to impeach the trial testimony of a Government witness within the meaning of *Giglio v. United States*, **405 U.S. 150** (1972), and its progeny. Such information must be disclosed sufficiently in advance of trial in order for the defendant to make effective use of it at trial or at such other time as the Court may order.¹

¹ This Order does not purport to set forth an exhaustive list of the Government’s disclosure obligations.

The foregoing obligations are continuing ones and apply to materials that become known to the Government in the future. These obligations also apply to information that is otherwise subject to disclosure regardless of whether the Government credits it.

In the event the Government believes that a disclosure under this Order would compromise witness safety, victim rights, national security, a sensitive law-enforcement technique, or any other substantial government interest, it may apply to the Court for a modification of its obligations, which may include in camera review or withholding or subjecting to a protective order all or part of the information otherwise subject to disclosure.²

For purposes of this Order, the Government has an affirmative obligation to seek all information subject to disclosure under this Order from all current or former federal, state, and local prosecutors, law enforcement officers, and other officers who have participated in the prosecution, or investigation that led to the prosecution, of the offense or offenses with which the defendant is charged.

If the Government fails to comply with this Order, the Court, in addition to ordering production of the information, may:

- (1) specify the terms and conditions of such production;
- (2) grant a continuance;
- (3) impose evidentiary sanctions;
- (4) impose contempt or other sanctions on any lawyer responsible for violations of the Government's disclosure obligations, or refer the matter to disciplinary authorities;
- (5) dismiss charges before trial or vacate a conviction after trial or a guilty plea; or
- (6) enter any other order that is just under the circumstances.

² The Classified Information Procedures Act sets forth separate procedures to be followed in the event that the Government believes matters relating to classified information may arise in connection with the prosecution. *See* 18 U.S.C. app.3 §§ 1 *et seq.*

SO ORDERED.

Dated:11-15-2022

BROOKLYN, NEW YORK

____Roanne L. Mann _____
United States Magistrate Judge

FINANCIAL AFFIDAVIT

IN SUPPORT OF REQUEST FOR ATTORNEY, EXPERT, OR OTHER SERVICES WITHOUT PAYMENT OF FEE

IN THE UNITED STATES ☒ DISTRICT COURT ☐ COURT OF APPEALS

☐ OTHER (Specify Below)

IN THE CASE OF

USA v. Brian Patrick Migliore

FOR

AT

LOCATION
NUMBER

PERSON REPRESENTED (Show your full name)

Brian Patrick Migliore

CHARGE/OFFENSE (Describe if applicable & check box→)

☒ Felony

☐ Misdemeanor

- 1 ☒ Defendant - Adult
- 2 ☐ Defendant - Juvenile
- 3 ☐ Appellant
- 4 ☐ Probation Violator
- 5 ☐ Supervised Release Violator
- 6 ☐ Habeas Petitioner
- 7 ☐ 2255 Petitioner
- 8 ☐ Material Witness
- 9 ☐ Other (Specify) _____

DOCKET NUMBERS

Magistrate Judge

1:22-01224M

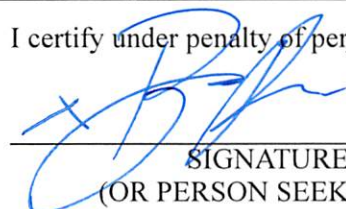
District Court

Court of Appeals

ANSWERS TO QUESTIONS REGARDING ABILITY TO PAY

INCOME & ASSETS	EMPLOYMENT	Do you have a job? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No IF YES, how much do you earn per month? <u>from 0 to 2K</u> Will you still have a job after this arrest? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unknown																				
	PROPERTY	Do you own any of the following, and if so, what is it worth? <table border="1"><thead><tr><th></th><th>APPROXIMATE VALUE</th><th>DESCRIPTION & AMOUNT OWED</th></tr></thead><tbody><tr><td>Home</td><td>\$ <u>N/A</u></td><td></td></tr><tr><td>Car/Truck/Vehicle</td><td>\$ <u>N/A</u></td><td></td></tr><tr><td>Boat</td><td>\$ <u>N/A</u></td><td></td></tr><tr><td>Stocks/bonds</td><td>\$ <u>N/A</u></td><td></td></tr><tr><td>Other property</td><td>\$ <u>N/A</u></td><td></td></tr></tbody></table>				APPROXIMATE VALUE	DESCRIPTION & AMOUNT OWED	Home	\$ <u>N/A</u>		Car/Truck/Vehicle	\$ <u>N/A</u>		Boat	\$ <u>N/A</u>		Stocks/bonds	\$ <u>N/A</u>		Other property	\$ <u>N/A</u>	
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CASH & BANK ACCOUNTS	Do you have any cash, or money in savings or checking accounts? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No IF YES, give the total approximate amount after monthly expenses \$ _____																					
OBLIGATIONS, EXPENSES, & DEBTS	How many people do you financially support? _____																					
	BILLS & DEBTS	MONTHLY EXPENSE	TOTAL DEBT																			
	Housing	\$ <u>600</u>	\$ <u>owe appx \$2100.00</u>																			
	Groceries	\$ <u>appx 300-400</u>	\$ _____																			
	Medical expenses	\$ <u>wife having baby</u>	\$ <u>5,000 Per delivery</u>																			
	Utilities	\$ <u>300 appx</u>	\$ _____																			
	Credit cards	\$ _____	\$ <u>7,000</u>																			
	Car/Truck/Vehicle	\$ <u>N/A</u>	\$ _____																			
	Childcare	\$ <u>1000</u>	\$ _____																			
	Child support	\$ <u>N/A</u>	\$ _____																			
Insurance	\$ <u>400</u>	\$ _____																				
Loans	\$ _____	\$ <u>appx 6,000 student loan</u>																				
Fines	\$ <u>N/A</u>	\$ _____																				
Other	\$ _____	\$ _____																				

I certify under penalty of perjury that the foregoing is true and correct.



SIGNATURE OF DEFENDANT
(OR PERSON SEEKING REPRESENTATION)

11/15/2022

Date

FINANCIAL AFFIDAVIT

IN SUPPORT OF REQUEST FOR ATTORNEY, EXPERT, OR OTHER SERVICES WITHOUT PAYMENT OF FEE

IN THE UNITED STATES ☒ DISTRICT COURT ☐ COURT OF APPEALS

☐ OTHER (Specify Below)

IN THE CASE OF

USA v. Brian Patrick Migliore

FOR

AT

LOCATION
NUMBER

PERSON REPRESENTED (Show your full name)

Brian Patrick Migliore

CHARGE/OFFENSE (Describe if applicable & check box→)

☒ Felony

☐ Misdemeanor

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- 8 ☐ Material Witness
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DOCKET NUMBERS

Magistrate Judge

1:22-01224M

District Court

Court of Appeals

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Other	\$ _____	\$ _____																				

I certify under penalty of perjury that the foregoing is true and correct.

SIGNATURE OF DEFENDANT
(OR PERSON SEEKING REPRESENTATION)

11/15/2022

Date

UNITED STATES DISTRICT COURT		EASTERN		District of		NEW YORK	
UNITED STATES OF AMERICA				V.			
BRIAN MIGLIORE				COMMITMENT TO ANOTHER DISTRICT			
DOCKET NUMBER		MAGISTRATE JUDGE CASE NUMBER		District of Arrest		District of Offense	
				22-M-1224			
CHARGES AGAINST THE DEFENDANT ARE BASED UPON AN							
<input checked="" type="checkbox"/> Indictment <input type="checkbox"/> Information <input type="checkbox"/> Complaint <input type="checkbox"/> Other (specify)							
charging a violation of							
21 U.S.C. § 846							
District of Offense							
District of Columbia							
DESCRIPTION OF CHARGES:							
Drug Trafficking Conspiracy							
CURRENT BOND STATUS:							
<input type="checkbox"/> Bail fixed at <input checked="" type="checkbox"/> Government moved for detention and defendant detained after hearing in District of Arrest <input type="checkbox"/> Government moved for detention and defendant detained pending detention hearing in District of Offense <input type="checkbox"/> Other (specify)							
Representation:							
<input type="checkbox"/> Retained Own Counsel <input checked="" type="checkbox"/> Federal Defender Organization <input type="checkbox"/> CJA Attorney <input type="checkbox"/> None							
Interpreter Required?							
<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes Language:							
TO: THE UNITED STATES MARSHAL							
You are hereby commanded to take custody of the above named defendant and to transport that defendant with a certified copy of this commitment forthwith to the district of offense as specified above and there deliver the defendant to the United States Marshal for that District or to some other officer authorized to receive the defendant.							
RETURN							
Date: 11/18/2022 United States Judge or Magistrate Judge: [Signature]							
This commitment was received and executed as follows:							
DATE COMMITMENT ORDER RECEIVED		PLACE OF COMMITMENT		DATE DEFENDANT COMMITTED			
UNITED STATES MARSHAL		(BY) DEPUTY MARSHAL					